

March 25, 1983

LB 350

amendments, to charge a figure up to \$750 as liquidated damages if the utility was not able to figure out how much loss they had had as a result of that tampering with the meter. That, Mr. President, is the bill and I urge the body's adoption of it.

SPEAKER NICHOL: Senator Haberman.

SENATOR HABERMAN: Mr. President, I have a question and I will ask it either of...I suppose of Senator Vickers instead of Senator Schmit is on the phone.

SENATOR VICKERS: Yes.

SENATOR HABERMAN: Senator Vickers, if I understand this, this rebuttable presumption, that means if my meter which is down to the tules is tampered with, I am guilty until I go to court and prove that I didn't do it? What is... I don't understand rebuttable presumption.

SENATOR VICKERS: Senator Haberman, I think that is correct but could I have Senator Hoagland answer that question for you since he is an attorney and serves on the committee that advanced....

SENATOR HABERMAN: Fine, that will be fine.

SENATOR HOAGLAND: We heard this in the Public Works Committee, Senator Haberman, as you know and I think this is an excellent bill and I have asked that my name be added as a cosponsor, Let me ask you...

SENATOR HABERMAN: Just a minute, Senator Hoagland, I would like to ask you a question, please.

SENATOR HOAGLAND: Right, go ahead.

SENATRO HABERMAN: Rebuttal presumption, does that mean that if one of my meters which is way down in the tules and I don't go down there every day or maybe once a week or two weeks and somebody tampers with that meter and somebody comes along to check it and finds out that it has been tampered with, does that mean that they are going to clobber me unless I prove that I didn't do it? Is that what that means? What does rebuttal presumption mean?

SENATOR HOAGLAND: It means, Senator Haberman, that if it is your meter and you had access to it and you were responsible for the payments for the utility bills that were metered on that meter and that was tampered with why then there is a presumption that you are the person who caused it or had knowledge of it. Now...but that presumption can be rebutted if you can come in with...